

Options for Closing the Gap on Forestry Management Measures

January 2015

Background/Context

Additional progress is needed in Oregon on the additional management measures for forestry that are necessary to achieve and maintain water quality standards and designated uses. (*struck out fish habitat - was fish habitat included to cover the coho recovery aspect?) The following describes how Oregon may choose to proceed to adopt additional protective forestry measures to satisfy the CZARA additional management measures for forestry (*and help with coho recovery).

General CZARA Guidelines for Approval

There are two pathways for states to achieve an approvable program: 1) *regulatory program*; **OR** 2) *voluntary approach*. A voluntary approach requires that the State provide the following:

- a description of the voluntary programs, including the methods for tracking and evaluating those programs Oregon will use to encourage implementation of the management measures;
- a legal opinion from the attorney general or an attorney representing the agency with jurisdiction for enforcement that such authorities can be used to prevent nonpoint pollution and require management measure implementation, as necessary; and
- a description of the mechanism or process that links the implementing agency with the enforcement agency and a commitment to use the existing authorities where necessary, notwithstanding the statutory “BMP safe harbor” provision in the Forest Practices Act.

Reasonable Options for Oregon to Satisfy Get to the CZARA Additional Management Measures for Forestry (*and Help With Coho Recovery)

• **Riparian Buffers**

- **Medium and Small-Fish Bearing Streams:** State currently pursuing regulatory program
 - Current Deficiencies/Shortfall: ~~Small no-cut buffer~~ Inadequate riparian protections for small and medium fish-bearing streams. They do not ensure forest operations meet the State water quality standards for protecting cold water in small and medium fish bearing streams. ~~Creates temperature, erosion and sediment problems.~~ (*Inadequate riparian buffers are limiting coho recovery-need to have NMFS/NOAA’s weigh in on this statement)
 - Examples of State Actions Needed: 1) **Complete riparian rule by end of 2015;** 2) Rule should cover a ~~broad range of~~ medium and small-fish bearing streams; and 3) Rule should provide an ~~adequate~~ protective no cut buffers (*with a wider

riparian management zone consistent with National Marine Fisheries (NMFS) science.)

- **Small, Non-fish bearing streams: State is not currently pursuing a regulatory program; voluntary approach would need to address the following:**
 - Current Deficiencies/Shortfall: No riparian protections ~~buffers~~~~Inadequate (10 foot) and limited (only for small perennial streams) buffer~~ for small, non-fish bearing streams. This does not ensure forest operations meet the State water quality standards for protecting cold water criterion. ~~Creates temperature, erosion and sediment problems for salmon spawning areas and downstream habitat.~~ (*Inadequate protections are limiting coho recovery.) (need to have NMFS/NOAA's weigh in on this statement)
Examples of State Actions Needed: 1) **By end of 2015**, the State should identify adequate no cut buffer with a wider riparian management zone equivalent to WA's or CA's program (*and consistent with National Marine Fisheries (NMFS) science)
2) **By the end of 2015**, the State will identify and provide to NOAA and EPA, the ODF and DEQ general authorities it will rely on to enforce changes when voluntary measures are not implemented. 3) **By end of 2015**, the State should meet other elements needed for voluntary program (see General CZARA Guidelines for Approval above or NOAA and EPA's 2001 memo on Enforceable Policies and Mechanisms for State Coastal Nonpoint Source Programs (<http://coast.noaa.gov/czm/pollutioncontrol/media/epmmemo.pdf>))
- **Roads: Regulatory and/or voluntary approaches would need to address the following**
 - Current Deficiencies/Shortfall:
 - *Regulatory* - Recent rule changes and new policies do not sufficiently address water quality impairments associated with ~~“Current ODF voluntary program does not include~~ legacy” roads, (e.g.. roads that do not meet current State requirements with respect to siting, construction, maintenance and road drainage,), or impairments associated with the portion of the existing network where construction or reconstruction is not proposed.
 - *Voluntary* – ODF voluntary program does not ~~include~~ adequately address legacy roads, nor has the state satisfied all elements needed for a voluntary program (see above).
 - Examples of State Actions Needed:
 - *Regulatory* – **By the end of 2015**, the State should establish regulations and or policies that specifically address legacy roads (e.g. roads that do not meet current State requirements with respect to siting, construction, maintenance and road drainage,) or impairments associated with the

portion of the existing network where construction or reconstruction is not proposed.

- *Voluntary* – **By the end of 2015**, 1) the State should establish a road survey or inventory program that considers both active, inactive, and legacy roads that have the potential to deliver sediment to streams. Examples could include those similar to WA's and ID's; 2) Develop ranking system to establish priorities for road repair or decommissioning; 3) Develop a timeline for addressing priority road issues including retiring or restoring forest roads that impair water quality; 4) Develop a reporting and tracking component to assess progress for remediating identified forest road problems
 - **For effective voluntary approach, all are needed as a package. The state must also meet other elements needed for voluntary program (see General CZARA Guidelines for Approval above or NOAA and EPA's 2001 memo on Enforceable Policies and Mechanisms for State Coastal Nonpoint Source Programs (<http://coast.noaa.gov/czm/pollutioncontrol/media/epmmemo.pdf>)).**
- **Landslides: Regulatory and/or voluntary approach would need to address the following:**
 - Current Deficiencies/Shortfall:
 - *Regulatory* - Oregon does not have additional management measures for forestry in place to protect high-risk landslide areas to ensure water quality standards and designated uses (*and fish habitat) are protected. Oregon's rules protect for public safety against shallow, rapidly moving landslides.
 - *Voluntary* – The voluntary measure identified by the State gives landowners credit for leaving standing live trees in landslide prone slopes as an eventual source of large wood for fish-bearing streams. The State hasn't shown how it monitors and tracks the implementation and effectiveness of this measure.
 - Examples of State Actions Needed:
 - *Regulatory* – **By end of 2015**, the State should adopt similar harvest and road construction restrictions for all high-risk landslide prone areas with the potential to impact water quality and designated uses, not just those where landslides pose risks to life and property ~~1) Measures to protect landslide areas;~~
 - *Voluntary* – **By end of 2015**, the State should 1) Establish program that includes a scientifically rigorous process for identifying high-risk areas and unstable slopes based on field review by trained staff. Widely available maps of high-risk landslide areas could improve water quality by informing foresters during harvest planning; 2) Integrate processes to identify high-risk landslide prone areas and specific best management

- practices to protect these areas into the TMDL development process; 3) Adopt BMPs that include employing no-harvest restrictions around high-risk areas and ensuring that roads are designed, constructed, and maintained in such a manner that the risk of triggering slope failures is minimized;
 - For all voluntary programs, the state must meet all elements needed for voluntary program (see General CZARA Guidelines for Approval above or NOAA and EPA's 2001 memo on Enforceable Policies and Mechanisms for State Coastal Nonpoint Source Programs (<http://coast.noaa.gov/czm/pollutioncontrol/media/epmmemo.pdf>))
- **Spray Buffers for Aerial Application of Herbicides on Non-Fish Bearing Streams: regulatory and/or voluntary approaches that could be established**
- Current Deficiencies/Deficiencies:
 - *Regulatory* - Oregon does not have a spray buffer to protect small, non-fish bearing streams when herbicides are aerially applied.
 - *Voluntary* – There are no voluntary spray buffers nor is there monitoring and tracking on small, non-fish bearing streams
 - Examples of State Actions Needed: Riparian buffer protections for non-fish bearing streams may suffice as a protective herbicide spray buffers if riparian buffer protections extend the length of the non-fish bearing stream where spraying occurs; or
 - *Regulatory* – **By end of 2015**, the State should adopt rules for aerial herbicide spray buffers for small, non-fish bearing streams.
 - *Voluntary* – **By end of 2015**, the State should 1) develop guidelines for buffer protections for aerially applied herbicides on small, non-fish bearing streams; 2) Monitor and track voluntary measures; 3) Identify ODF and DEQ general authorities for enforcing changes when voluntary measures are not implemented; 4) Revise ODF Notification of Operation form to explicitly include that aerial applicators will adhere to FIFRA labels, especially for herbicides that are prohibited from spraying in/above waterbodies, for all stream types, including non-fish bearing streams.
 - For all voluntary programs, the state must meet all elements needed for voluntary program (see General CZARA Guidelines for Approval above or NOAA and EPA's 2001 memo on Enforceable Policies and Mechanisms for State Coastal Nonpoint Source Programs (<http://coast.noaa.gov/czm/pollutioncontrol/media/epmmemo.pdf>))

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Background/Context

Additional progress is needed in Oregon on the additional management measures for forestry management measures that are necessary to achieve and maintain water quality standards and designated uses so that they are protective of water quality and ~~(*) struck out fish habitat - wasis fish habitat. fish habitat included to cover the coho recovery aspect?)-~~ The following describes how Oregon may choose to proceed to adopt additional protective forestry measures to satisfy the CZARA additional management measures for forestry ~~(*) and help with and close the gap for purposes of CZARA-coho recovery) and coho recovery.~~

General CZARA Guidelines for Approval

There are two pathways for states to achieve an approvable program: 1) *regulatory program*; OR 2) *voluntary approach*. A voluntary approach requires that the State provide the following:

- a description of the voluntary programs, including the methods for tracking and evaluating those programs; Oregon will use to encourage implementation of the management measures;
- a legal opinion from the attorney general or an attorney representing the agency with jurisdiction for enforcement that such authorities can be used to prevent nonpoint pollution and require management measure implementation, as necessary; and
- a description of the mechanism or process that links the implementing agency with the enforcement agency and a commitment to use the existing authorities where necessary, notwithstanding the statutory “BMP safe harbor” provision in the Forest Practices Act.

• a program description, monitoring, tracking, and an enforceable authority to back up the voluntary program. If the State chooses to pursue a voluntary approach, the State needs to identify state enforcement authorities that can be used to prevent nonpoint pollution and expressly commit to use those authorities if voluntary measures are not complied with or where voluntary measures are inadequate in delivering the needed protections that could be relied upon notwithstanding the statutory “BMP safe harbor” provision in the Forest Practices Act. The State needs to describe the mechanism or process that links the implementing agency with the enforcement agency.

Reasonable Options for Oregon to Satisfy Move Get to an Approvable the CZARA Additional Management Measures for Forestry Program ~~(*) and Help With Coho Recovery) and and~~

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Comment [AC3]: I think we need to make this statement clearly. Doing this will enable them to address the CZARA add MMs for forestry. And will help with coho recovery (but isn't all they did for coho, or may CZARA ... [1]

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Address Limitations in Forestry That Affect Coho Recovery

• **Riparian Buffers**

- **Medium and Small-Fish Bearing Streams:** State currently pursuing regulatory program
 - Current Deficiencies/Shortfall: ~~Small no-cut buffer~~ Inadequate riparian protections for small and medium fish-bearing streams. ~~Do They Do not ensure forest operations meet the State water quality standards for protecting cold water in small and medium fish bearing streams. Creates temperature, erosion and sediment problems. (*Inadequate riparian buffers are limiting coho recovery-need to have NMFS/NOAA's weigh in on this statement)~~
 - Examples of State Actions Needed: 1) **Complete riparian rule by end of 2015;** 2) Rule should cover a broad range of medium and small-fish bearing streams; and 3) Rule should provide an adequate protective no cut buffers ~~(*)with a wider riparian management zone consistent with National Marine Fisheries (NMFS) science).~~
- **Small, Non-fish bearing streams:** State is not currently pursuing a regulatory program; voluntary approach would need to address the following:
 - Current Deficiencies/Shortfall: ~~No No riparian protections buffers buffers inadequate (10 foot) and limited (only for small perennial streams) buffer for small, non-fish bearing streams. This does Do not ensure forest operations meet the State water quality standards for protecting cold water criterion. Creates temperature, erosion and sediment problems for salmon spawning areas and downstream habitat. (*Inadequate protections are limiting coho recovery.) (need to have NMFS/NOAA's weigh in on this statement)~~
 - Examples of State Actions Needed: 1) **By end of 2015,** the State should identify a Adequate no cut buffer with a wider riparian management zone equivalent to WA's or CA's program ~~(*)and consistent with National Marine Fisheries (NMFS) science);~~
 - **2) By the end of 2015,** the State will identify and provide to NOAA and EPA, the ODF and DEQ general authorities it will rely on to enforce changes when voluntary measures are not implemented. 3) **By end of 2015,** the State should ~~meet other elements needed for voluntary program (see General CZARA Guidelines for Approval above or NOAA and EPA's 2001 memo on Enforceable Policies and Mechanisms for State Coastal Nonpoint Source Programs (http://coast.noaa.gov/czm/pollutioncontrol/media/epmmemo.pdf) 2) Monitoring, tracking, and reporting similar to other ODF programs for other tree harvests; and 3) Identify ODF and DEQ general authorities for enforcing changes in critical areas when voluntary measures are not implemented. 3) By the end of 2015, the~~

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state will identify and provide to NOAA and EPA, the ODF and DEQ general authorities it will rely on to enforce changes when voluntary measures are not implemented.

—Roads:

- ~~Regulatory and/or voluntary approaches~~ **approaches would need to address the following**

- ~~Current Deficiencies/Shortfall:~~

- - *Regulatory* - Recent rule changes and new policies do not sufficiently address water quality impairments associated with “~~Current ODF voluntary program does not include~~ legacy” roads, (e.g. i.e. roads that do not meet current State requirements with respect to siting, construction, maintenance and road drainage.), or impairments associated with the portion of the existing network where construction or reconstruction is not proposed.
 - *Voluntary* – ODF voluntary program does not ~~include~~ adequately address legacy roads, nor has the state satisfied all elements needed for a voluntary program (see above).

- ~~Examples of State Actions Needed:~~

- *Regulatory* – **By the end of 2015**, the State should establish regulations and or policies that specifically address legacy roads (e.g. roads that do not meet current State requirements with respect to siting, construction, maintenance and road drainage.) or impairments associated with the portion of the existing network where construction or reconstruction is not proposed.
- *Voluntary* – **By the end of 2015**, 1) the State should establish a road survey or inventory program that considers both active, inactive, and legacy roads that have the potential to deliver sediment to streams. Examples could include those similar to WA’s and ID’s; 2) Develop ranking system to establish priorities for road repair or decommissioning; 3) Develop a timeline for addressing priority road issues including retiring or restoring forest roads that impair water quality; 4) Develop a reporting and tracking component to assess progress for remediating identified forest road problems.
- **For effective voluntary approach, all are needed as a package. The state must also meet other elements needed for voluntary program (see General CZARA Guidelines for Approval above or NOAA and EPA’s 2001 memo on Enforceable Policies and Mechanisms for State Coastal Nonpoint Source Programs (<http://coast.noaa.gov/czm/pollutioncontrol/media/epmmemo.pdf>)).**

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Establish regulations and or policies that specifically address legacy roads (e.g. roads that do not meet current State requirements with respect to siting, construction, maintenance and road drainage,) or impairments associated with the portion of the existing network where construction or reconstruction is not proposed.

nor has the state satisfied all elements needed for a voluntary program (see above). Voluntary program does not include monitoring and tracking nor does identification of enforceable authorities to back up voluntary program.

Examples of State Actions Needed: 1) Examples of State Actions Needed 1) Use voluntary approach that includes establishing a road survey or inventory program that considers both active, inactive, and legacy roads that to include legacy roads in road inventory; 2) Include legacy roads in roads inventory, including legacy roads have the potential to deliver sediment to streams. Examples could include those similar to WA's and ID's; 3) Develop ranking system to establish priorities for road repair or decommissioning; 4) Develop a timeline for addressing priority road issues including retiring or restoring forest roads that impair water quality; 5) Conduct evaluation, problem identification process and schedule for repairing problem roads; 6) Develop a reporting and tracking component to assess progress for remediating identified forest road problems; 7) Monitor and track voluntary measures. Examples could include those similar to WA's and ID's; 8) Identify ODF and DEQ general authorities for enforcing changes in critical areas when voluntary measures are not implemented. (For effective voluntary approach, all 1-6 are needed as a package.

All voluntary approaches The state must also meet other elements needed for voluntary program (see General CZARA Guidelines for Approval above or NOAA and EPA's 2001 memo on Enforceable Policies and Mechanisms for State Coastal Nonpoint Source Programs (<http://coast.noaa.gov/czm/pollutioncontrol/media/epmmemo.pdf>) need monitoring, tracking and identification of enforcement authorities that can be used if voluntary approach fails to achieve the desired results.)

- Landslides: Regulatory and/or voluntary approach would need to address the following:

- Current Deficiencies/Shortfall:

- Regulatory - Oregon does not have additional management measures for forestry in place to protect high-risk landslide areas to ensure water quality standards and designated uses (*and fish habitat?) are protected. Oregon's rules protect for public safety against shallow, rapidly moving landslides.

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◻ *Voluntary* – The voluntary measure identified by the State gives landowners credit for leaving standing live trees in landslide prone slopes as an eventual source of large wood for fish-bearing streams. The State hasn't shown how it monitors and tracks the implementation and effectiveness of this measure.

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○ Examples of State Actions Needed:

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▪ *Regulatory* – **By end of 2015**, the State should 1) adopt similar harvest and road construction restrictions for all high-risk landslide prone areas with the potential to impact water quality and designated uses, not just those where landslides pose risks to life and property 2) Adopt BMPs that include employing no-harvest restrictions around high-risk areas and ensuring that roads are designed, constructed, and maintained in such a manner that the risk of triggering slope failures is minimized; 1) Measures to protect landslide areas;

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▪ *Voluntary* – **By end of 2015**, the State should 1) Establish program that includes a scientifically rigorous process for identifying high-risk areas and unstable slopes based on field review by trained staff. Widely available maps of high-risk landslide areas could improve water quality by informing foresters during harvest planning; 2) Integrate processes to identify high-risk landslide prone areas and specific best management practices to protect these areas into the TMDL development process; 3) Adopt BMPs that include employing no-harvest restrictions around high-risk areas and ensuring that roads are designed, constructed, and maintained in such a manner that the risk of triggering slope failures is minimized;

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— For all voluntary programs, the state must meet all elements needed for voluntary program (see General CZARA Guidelines for Approval above or NOAA and EPA's 2001 memo on Enforceable Policies and Mechanisms for State Coastal Nonpoint Source Programs (<http://coast.noaa.gov/czm/pollutioncontrol/media/epmmemo.pdf>))

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Voluntary – The voluntary measure identified by the State gives landowners credit for leaving standing live trees in landslide prone slopes as an eventual source of large wood for fish-bearing streams. The State hasn't shown how it monitors and tracks the implementation and effectiveness of this measure.

Comment [AC31]: Rather than resummize what OR needs to do for voluntary programs and risk mis-stating or missing something recommend just referring them to the bullets above or the EP&M memo for more detail.

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— Examples of State Actions Needed: 2) Voluntary programs to encourage and incentivize forestry BMPs to protect high-risk landslide areas that have the potential to impact water quality and designated uses and ensure that roads are designed to minimize slope failure risk 1) Establish BMPs could include employing no-harvest restrictions around high-risk areas and ensuring that roads are designed, constructed, and maintained in such a manner that the risk of triggering slope failures is minimized; 3) Voluntary programs that could also includes a scientifically

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rigorous process for identifying high-risk areas and unstable slopes based on field review by trained staff. Widely available maps of high-risk landslide areas could improve water quality by informing foresters during harvest planning. Monitor and track voluntary measures (Examples could include those similar to Washington's and Idaho's programs); 24)) Integrate processes to identify high-risk landslide prone areas and specific best management practices to protect these areas into the TMDL development process.

○ Identify ODF and DEQ general authorities for enforcing changes in critical areas when voluntary measures are not implemented. (For all voluntary programs, the state must meet all elements needed for voluntary program (see General CZARA Guidelines for Approval above or NOAA and EPA's 2001 memo on Enforceable Policies and Mechanisms for State Coastal Nonpoint Source Programs (<http://coast.noaa.gov/czm/pollutioncontrol/media/epmmemo.pdf>)). ~~All voluntary approaches need monitoring, tracking and identification of enforcement authorities that can be used if voluntary approach fails to achieve the desired results.~~)

○ Spray Buffers for Aerial Application of Herbicides on Non-Fish Bearing Streams: regulatory and/or voluntary approaches that could be established

- Current Deficiencies/Deficiencies:
 - Regulatory - Oregon does not have a spray buffer to protect small, non-fish bearing streams when herbicides are aerially applied.
 - Voluntary - There are no voluntary spray buffers nor is there monitoring and tracking on small, non-fish bearing streams
- Examples of State Actions Needed: Riparian buffer protections for non-fish bearing streams may suffice as a protective herbicide spray buffers if riparian buffer protections extend the length of the non-fish bearing stream where spraying occurs; or
 - Regulatory - **By end of 2015**, the State should adopt rules for aerial herbicide spray buffers for small, non-fish bearing streams.
 - Voluntary - **By end of 2015**, the State should 1) develop guidelines for buffer protections for aerially applied herbicides on small, non-fish bearing streams; 2) Monitor and track voluntary measures; 3) Identify ODF and DEQ general authorities for enforcing changes when voluntary measures are not implemented; 4) Revise ODF Notification of Operation form to explicitly include that aerial applicators will adhere to FIFRA labels, especially for herbicides that are prohibited from spraying in/above waterbodies, for all stream types, including non-fish bearing streams.
 - For all voluntary programs, the state must meet all elements needed for voluntary program (see General CZARA Guidelines for Approval above or NOAA and EPA's 2001 memo on Enforceable Policies and

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Comment [AC33]: Rather than resummize what OR needs to do for voluntary programs and risk mis-stating or missing something recommend just referring them to the bullets above or the EP&M memo for more detail.

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Mechanisms for State Coastal Nonpoint Source Programs
(<http://coast.noaa.gov/czm/pollutioncontrol/media/epmmemo.pdf>)

**Spray Buffers for Aerial Application of Herbicides on Non-Fish Bearing Streams:
regulatory and/or voluntary approach would need to address the following**

- **Current Deficiencies/Deficiencies:** No spray buffer to protect non fish bearing streams during the aerial application of herbicides stream from directly application to water.

— **Examples of State Actions Needed:** 1) Adopt rules that would require spray buffers for the aerial application of herbicides along non fish bearing streams. Oregon may wish to look toward spray buffer requirements neighboring states have established for ideas; or 2) Adopt no-cut riparian buffers for timber harvest along non fish bearing streams, which, by default, would also provide a buffer during aerial spraying. If the state adopts adequate Examples of State Actions Needed: 1) If the state adopts adequate riparian protections for non fish bearing streams, it may suffice as a protective herbicide spray buffers. Otherwise, the state may choose to pursue a voluntary approach by doing the following: 1) Expand guidelines for voluntary buffers or buffer protections for the aerial application of herbicides on non fish bearing streams; 2) Educate and train aerial applicators of herbicides on the new guidance and how to minimize aerial drift to non fish bearing streams; 3) Revise ODF Notification of Operation form required prior to chemical applications on forestlands to include a check box for aerial applicators to indicate they must adhere to FIFRA labels for all stream types, including non fish bearing. Otherwise, the state may choose to 1) Revise ODF Notification of Operation form to add a check box for aerial applicators to certify that they will adhere to FIFRA labels for all stream types; 2) Guidelines for voluntary buffer protections for aerial application of herbicides on non fish bearing streams; 3) Provide better maps of non fish bearing streams and other sensitive sites and structures to increase awareness of these sensitive areas that need protection among the aerial applicator community; and 5) Encourage the use of GPS technology, linked to maps of non fish bearing streams, to automatically shut off nozzles before crossing non fish bearing streams.) Monitor and track voluntary measures using existing pesticide regulations; 4) Explore ODF and DEQ general authorities for enforcing changes in critical areas when voluntary measures are not implemented. (For all voluntary programs, the state must meet all elements needed for voluntary program (see General CZARA Guidelines for Approval above or NOAA and EPA's 2001 memo on Enforceable Policies and Mechanisms for State Coastal Nonpoint Source Programs (<http://coast.noaa.gov/czm/pollutioncontrol/media/epmmemo.pdf>)).

Comment [AC34]: Rather than resummize what OR needs to do for voluntary programs and risk mis-stating or missing something recommend just referring them to the bullets above or the EP&M memo for more detail.

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Comment [AC35]: Note: Revised for consistency with lang. in last draft of pesticides section I saw but I believe their may be a newer version so Jenny, please confirm this still aligns with latest draft.

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Comment [AC36]: I'm still unsure how this would be beyond the BMPs the guidance already includes. Tech Team is still resolving this issue and how/if this should be stated. May be premature to include bullet on guideline revisions in this draft to the state unless Jenny or others can clarify.

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Comment [PC37]: Help me out here. What exactly are we saying here or asking for?

Comment [AC38]: See revised Option 1 for voluntary approach but this has not been resolved yet in tech team.

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Comment [AC39]: Rather than resummize what OR needs to do for voluntary programs and risk mis-stating or missing something recommend just referring them to the bullets above or the EP&M memo for more detail.

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Page 1: [1] Comment [AC3]	Allison Castellan	1/6/2015 5:29:00 PM
I think we need to make this statement clearly. Doing this will enable them to address the CZARA add MMs for forestry. And will help with coho recovery (but isn't all they did for coho, or may CZARA, for that matter...depending on Ag and public comments on other parts of OR's program we have already given interim approval too.		
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Page 1: [11] Comment [AC4]	Allison Castellan	1/6/2015 5:29:00 PM
Need to make sure language is consistent with EP&M guidance.		
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Page 1: [16] Formatted Footer	Henning, Alan	1/6/2015 5:15:00 PM
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Page 2: [20] Formatted Indent: Left: 0.75"	Chris Wong	1/6/2015 8:23:00 PM
Page 2: [21] Comment [AC5] Our decision doc does not discuss erosion/sediment problems related to rip protection so agree with Alan's edit to strike this language.	Allison Castellan	1/6/2015 5:29:00 PM
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Page 2: [25] Formatted Highlight	Chris Wong	1/6/2015 8:15:00 PM
Page 2: [26] Comment [AC6] I agree with Alan's comments. This may be painting ourselves into a corner we don't want to be in and is not consistent with statements in our decision doc. Also, this would be holding OR to higher standard that we have WA and CA. Perhaps changing the language to something along the lines of "Rule should strive to provide protective no cut buffers with wider riparian management zone consistent with National Marine Fisheries (NMFS) science . Riparian protections comparable to CA and WA would also be acceptable."	Allison Castellan	1/6/2015 5:29:00 PM
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Ex. 5 - Attorney Client

Page 2: [38] Comment [HA8] Henning, Alan 1/6/2015 3:15:00 PM
OAR 629-640-0200(6) provides that "No retention required" for streams in the Coast Range and the Western Cascade. I suggest we go back to the proposed language.

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Page 2: [50] Comment [AC9] **Allison Castellan** **1/6/2015 5:29:00 PM**
Agreed: See earlier comment about concern with holding OR to higher standard than WA or CA.

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Page 2: [56] Comment [AC10] **Allison Castellan** **1/6/2015 5:29:00 PM**
Rather than resummerize what OR needs to do for voluntary programs and risk mis-stating or missing something recommend just referring them to the bullets above or the EP&M memo for more detail.

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Ex. 5 - Attorney Client

Page 3: [62] Comment [HA12] The statement is accurate as written.	Henning, Alan	1/6/2015 7:34:00 PM
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Ex. 5 - Attorney Client

Page 3: [67] Comment [HA14]

Henning, Alan

1/6/2015 7:35:00 PM

Steve, I think the point is that legacy roads exist and science shows that legacy roads are sources of sediment. A voluntary roads inventory program should also include legacy roads to identify which ones need fixing if they still have the potential to deliver sediment. No worries if they don't need fixing but an inventory is needed to identify the problematic ones and to track the fixes.

Page 3: [68] Comment [AC15]

Allison Castellan

1/6/2015 7:35:00 PM

I'm hesitant referring to WA and ID here. I don't think Tech Team has specifically looked at WA and ID's road MMs. These states weren't conditioned on add MMs related to forestry roads.

Page 3: [69] Comment [AC16]

Allison Castellan

1/6/2015 7:35:00 PM

Can combine 2&3 into one item. Also revised to be consistent with lang. in the decision doc.

Ex. 5 - Attorney Client

See p.61 on Appendix A re: the earlier identification of 11 risks.

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This reads like a new "condition" and sounds more prescriptive than the previous articulation of conditions.

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Page 3: [75] Comment [AC19]

Allison Castellan

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Rather than resumerize what OR needs to do for voluntary programs and risk mis-stating or missing something recommend just referring them to the bullets above or the EP&M memo for more detail.

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Page 4: [84] Comment [HA20] Henning, Alan 1/6/2015 3:32:00 PM
The statement is accurate as written.

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Page 4: [89] Comment [HA22] **Henning, Alan** **1/6/2015 3:45:00 PM**

Steve, I think the point is that legacy roads exist and science shows that legacy roads are sources of sediment. A voluntary roads inventory program should also include legacy roads to identify which ones need fixing if they still have the potential to deliver sediment. No worries if they don't need fixing but an inventory is needed to identify the problematic ones and to track the fixes.

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Page 4: [91] Comment [AC23] **Allison Castellan** **1/6/2015 5:29:00 PM**

I'm hesitant referring to WA and ID here. I don't think Tech Team has specifically looked at WA and ID's road MMs. These states weren't conditioned on add MMs related to forestry roads.

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Page 4: [93] Comment [AC24] **Allison Castellan** **1/6/2015 5:29:00 PM**

Can combine 2&3 into one item. Also revised to be consistent with lang. in the decision doc.

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Page 4: [99] Comment [AC27]

Allison Castellan

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Just refer them to standard voluntary program requirements.

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Page 4: [104] Comment [AC28] **Allison Castellan** **1/6/2015 5:29:00 PM**

Rather than resummerize what OR needs to do for voluntary programs and risk mis-stating or missing something recommend just referring them to the bullets above or the EP&M memo for more detail.

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Page 4: [111] Comment [PC30] **Psyk, Christine** **12/23/2014 11:20:00 AM**

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